

City of Montgomery
City Council Business Session Minutes
August 2, 2006

Present

Cheryl Hilvert, City Manager
Terry Donnellon, Law Director
Susan Hamm, Clerk of Council
Frank Davis, Community Development Director
Wayne Davis, Assistant City Manager/Finance Director
Bob Nikula, Public Works Director
Matthew Vanderhorst, Information Technology
Paul Wright, Fire Chief

City Council Members Present

Gerri Harbison, Mayor
Mark Combs
William Niehaus
Todd Steinbrink
Ken Suer

City Council Member Absent

Lynda Roesch
Barry Joffe

Council convened in Council Chambers at 7:00 p.m. with Mayor Harbison presiding.

ROLL CALL

Mayor Harbison asked that the roll be called.

The roll was called and showed the following Council Members present:

PRESENT: Harbison, Combs, Niehaus, Steinbrink, Suer
ABSENT: Joffe, Roesch

Mayor Harbison noted that Mr. Joffe was absent due to illness in his family. She asked for a motion to excuse Mr. Joffe.

Mr. Niehaus moved to excuse Mr. Joffe. Mr. Combs seconded. City Council unanimously excused Mr. Joffe.

Mayor Harbison noted that Ms. Roesch was absent due to business. She asked for a motion to excuse Ms. Roesch.

Mr. Niehaus moved to excuse Ms. Roesch. Mr. Combs seconded. City Council unanimously excused Ms. Roesch.

ADMINISTRATION REPORT

Ms. Hilvert reported on the following items:

- An article that appeared recently in the Cincinnati Business Courier on the recent ruling by the Ohio Supreme Court on the use of eminent domain for economic development purposes will be attached to the Friday Update. Mr. Donnellon is currently reviewing the full text of this decision and will have an update for City Council at the work session in August.

Ms. Hilvert noted that the following Committees of City Council are scheduled to meet in August:

Government Affairs
Parks & Recreation
Public Works

Law & Safety

Ms. Hilvert noted that she did not have any items to discussion with the Law & Safety Committee of Council. She further noted that the Parks & Recreation Committee of City Council is scheduled to meet on Thursday, August 10, 2006 to conduct interviews for the vacant position on the Parks and Recreation Commission.

Mr. Niehaus stated that the Law & Safety Committee of City Council meeting could be cancelled.

Ms. Hilvert requested a brief executive session to discuss matters regarding the purchase of real estate and labor negotiations.

GUESTS AND RESIDENTS

There were no residents or guests to address Council tonight.

COMMUNICATIONS

There were no communications.

MINUTES

Mr. Combs moved to approve the minutes from the June 21, 2006 Tax Budget Public Hearing, June 21, 2006 Creation of Tax Increment Financing District Public Hearing, June 21, 2006 Work Session and July 5, 2006 Business Session. Mr. Suer seconded. City Council unanimously approved the minutes.

LEGISLATION FOR CONSIDERATION TONIGHT

Pending Legislation

An Ordinance Declaring Improvements To Parcels of Real Property Located in the City of Montgomery, Ohio to be a Public Purpose Under Section 5709.40 (C) of the Ohio Revised Code, Exempting such Improvements from Real Property Taxation, Authorizing the Execution of a Tax Incentive Agreement, a Service Agreement and Such other Documents as may be Necessary (2nd Reading)

Mr. Steinbrink read the ordinance by title only and moved passage of the 2nd reading. Mr. Combs seconded.

Mr. Steinbrink explained that this ordinance, if approved, would create a Tax Increment Financing District on the Vintage Club property. He further explained that through the creation of the tax increment financing district, City Council will declare certain improvements to parcels of that property to be for public purposes, including the proposed parking garages, and exempt those improvements from real property taxation for a period of 30 years.

The roll was called and showed the following vote:

AYE: Harbison, Combs, Niehaus, Steinbrink, Suer	(5)
NAY:	(0)
ABSENT: Roesch, Joffe	(2)

New Legislation

A Resolution Authorizing the City Manager to Enter into a Contract with Humana, to Provide Medical Coverage for Full-Time Employees

Mr. Suer moved to read the resolution by title only. Mr. Steinbrink seconded. City Council unanimously agreed.

Mr. Suer read the resolution by title only and moved passage. Mr. Combs seconded.

Mr. Suer explained, if approved, this resolution would authorize the City Manager to enter into a contract with Humana for health insurance coverage for the City's full-time employees. He further explained that each year, the City must bid its health insurance coverage. The proposals are evaluated by the Health Care Benefits Committee, which takes into account benefit levels and coverage costs. The Committee makes a recommendation as to the desired provider of health insurance coverage, as well as, any changes to current benefit levels to achieve cost savings. He also explained that the Health Care Benefits Committee is recommending Humana as the carrier, with three (3) plans for employee coverage: Point of Service (POS), Preferred Provider Organization (PPO) and Health Savings Account (HSA). The POS reflects a premium increase of 11.50% over the 2005-2006 rates. The PPO plan offers a 2.1% decrease over last year's premium, while the HSA plan reflects a 28.19% decrease from the 2005-2006 premium.

The roll was called and showed the following vote:

AYE: Harbison, Combs, Niehaus, Steinbrink, Suer	(5)
NAY:	(0)
ABSENT: Roesch, Joffe	(2)

A Resolution Authorizing the City Manager to Enter into a Contract with Dental Care Plus to Provide Dental Coverage for Full-Time Employees

Mr. Suer moved to read the resolution by title only. Mr. Combs seconded. City Council unanimously agreed.

Mr. Suer read the resolution by title only and moved passage. Mr. Niehaus seconded.

Mr. Suer noted that this resolution, if approved, would authorize the City Manager to enter into a contract with Dental Care Plus for dental insurance coverage for the City's full-time employees. He further noted that each year, the City must bid its dental insurance coverage. The proposals are evaluated by the Health Care Benefits Committee, which take into account coverage and costs and makes a recommendation as to the desired provider of dental insurance as well as any changes to current coverage to achieve cost savings. He also noted that due to extremely competitive rates submitted by Dental Care Plus, the City's current provider, the Committee elected to review only one proposal. The Dental Care Plus proposal represents a 0% increase over 2005-2006 premiums.

The roll was called and showed the following vote:

AYE: Harbison, Combs, Niehaus, Steinbrink, Suer	(5)
NAY:	(0)
ABSENT: Roesch, Joffe	(2)

A Resolution to Adopt a Recommendation of the Montgomery Tax Incentive Review Council with Respect to the Compliance of all Tax Increment Financing Districts within the City of Montgomery

Mr. Combs moved to read the resolution by title only. Mr. Steinbrink seconded. City Council unanimously agreed.

Mr. Combs read the resolution by title only and moved passage. Mr. Niehaus seconded.

Mr. Combs stated that this resolution, if approved, would affirm the report of the Montgomery Tax Incentive Review Council regarding the status of all current Tax Increment Financing Districts in the City in terms of their compliance with all requirements of the agreements that created the district. He further stated that Ohio Law now mandates that the City Council approve, reject or remand the decision of local tax incentive councils relative to the compliance of the existing Tax Increment Financing District. He also stated that a resolution indicating City Council's action is required to be filed annually with the Ohio Department of Development by September 1st. He also stated that the Montgomery Tax Incentive Review Council met on Monday, August 1, 2006 and a report on their action has been submitted to City Council.

The roll was called and showed the following vote:

AYE:	Harbison, Combs, Niehaus, Steinbrink, Suer	(5)
NAY:		(0)
ABSENT:	Roesch, Joffe	(2)

A Resolution Authorizing the City Manager to Apply to the Ohio Board of Building Standards to Certify the Building Department for Code Enforcement

Mr. Steinbrink moved to read the resolution by title only. Mr. Combs seconded. City Council unanimously agreed.

Mr. Steinbrink read the resolution by title only and moved passage. Mr. Combs seconded.

Mr. Steinbrink explained that this resolution, if approved, would authorize the City Manager to submit an application to the Ohio Board of Building Standards to certify the Building Department for residential Code enforcement.

The roll was called and showed the following vote:

AYE:	Harbison, Combs, Niehaus, Steinbrink, Suer	(5)
NAY:		(0)
ABSENT:	Roesch, Joffe	(2)

An Ordinance Adopting the Residential Code of Ohio for One-,Two-, and Three-Family Dwellings as Supplemented

Mr. Combs moved to read the ordinance by title only. Mr. Steinbrink seconded. City Council unanimously agreed.

Mr. Combs read the ordinance by title only and moved passage. Mr. Niehaus seconded.

Mr. Combs explained that this resolution, if approved, would adopt the Residential Code of Ohio for one-, two-, and three-family dwellings as adopted by the Ohio Board of Building Standards and as codified in Ohio Administrative Code §§ 4101:8-1 to 4101:8-43 (effective May 27, 2006). He further explained that additionally, this ordinance will also adopt the applicable regulations for swimming pools, spas and hot tubs as a supplement to the Residential Code and establish a penalty section for any violation of any section of the Residential Building Code.

The roll was called and showed the following vote:

AYE:	Harbison, Combs, Niehaus, Steinbrink, Suer	(5)
NAY:		(0)
ABSENT:	Roesch, Joffe	(2)

An Ordinance Correction Section 91.21 Offenses Involving Underage Persons and Declaring an Emergency

Mr. Niehaus read the ordinance in its entirety and moved suspension of the rules. Mr. Suer seconded.

The roll was called and showed the following vote:

AYE:	Harbison, Combs, Niehaus, Steinbrink, Suer	(5)
NAY:		(0)
ABSENT:	Roesch, Joffe	(2)

Mr. Niehaus moved passage of the ordinance as an emergency. Mr. Steinbrink seconded.

Mr. Niehaus explained that this ordinance, if approved, would correct an error in the text of Section 91.21 (B) which prohibits any property owner from allowing an underage person to possess or consume alcoholic beverages on their property without the underage person being accompanied by their parent or legal guardian. This law has been referred to as a “keg law” which provides authority to the Police Department to prosecute adults who may provide alcohol to underage individuals in various settings, including in-home parties.

Mr. Donnellon explained that in an earlier recodification of the ordinances, it was appropriately stated that the regulations governed the owner of a public or private place, but later in the same sentence, the reference to private place was omitted and the restriction only became enforceable if the owner of a public place permitted consumption in a public place. To correct this oversight, subsection (B) has been rewritten so that it is clear that the owner of property who permits an underage person to consume alcoholic beverages on the property can be prosecuted. He further explained that this oversight was noted in a recent prosecution in the Mayor’s Court. He also explained that the City does not want to disrupt the enforcement of this section, so staff has asked that the ordinance be passed as an emergency so that the Code will immediately be updated with the adoption of the ordinance.

The roll was called and showed the following vote:

AYE:	Harbison, Combs, Niehaus, Steinbrink, Suer	(5)
NAY:		(0)
ABSENT:	Roesch, Joffe	(2)

An Ordinance Accepting Dedicated Property and Certain Easement Rights on Main Street and Remington Road

Mr. Niehaus moved to read the ordinance by title only. Mr. Combs seconded. City Council unanimously agreed.

Mr. Niehaus read the resolution by title only and moved passage. Mr. Suer seconded.

Mr. Niehaus explained that this ordinance, if approved, would authorize the acceptance of both public right of way and an easement to provide for the appropriate installation and maintenance of the required streetscape for the Montgomery Row development in the Heritage District.

Mr. Frank Davis, Community Development Director, noted that the City requires the installation of streetscape in accordance with the Heritage District Streetscape Master Plan for properties within the Heritage District. He further explained that this ordinance would provide the necessary right of way needed for the installation on Montgomery Road and cleans up the right of way on Remington Road.

The roll was called and showed the following vote:

AYE:	Harbison, Combs, Niehaus, Steinbrink, Suer	(5)
NAY:		(0)
ABSENT:	Roesch, Joffe	(2)

COUNCIL COMMITTEE REPORTS

Mayor's Court Report

Mayor Harbison reported that the total Mayor's Court collections for the month of July, 2006 were \$11,016.90.

Mr. Steinbrink moved to accept the Mayor's Court collections for the month of July, 2006. Mr. Combs seconded. City Council unanimously accepted the collections.

Financial Planning

Mr. Combs noted that the Financial Planning Committee of City Council is scheduled to meet on Monday, August 7, 2006 at 5:30 p.m.

Governmental Affairs

Mr. Suer noted that the Governmental Affairs Committee of City Council is scheduled to meet on Tuesday, August 15, 2006 at 2:30 p.m.

Public Works

Mr. Niehaus had nothing to report at this time.

Parks & Recreation

Due to Ms. Roesch's absence there was no report given at this time.

Law & Safety

Due to Mr. Joffe's absence there was no report given at this time.

Planning, Zoning & Landmarks

Mr. Steinbrink noted that the Planning, Zoning & Landmarks Committee of City Council is scheduled to meet on Monday, August 7, 2006 at 4:30 p.m.

OTHER BUSINESS

Discussion on Initiative Petitions

Mr. Donnellon explained that on July 18, 2006, the Clerk of Council received two Initiative Petitions which had been circulated throughout the community asking that certain legislation be put before the electorate for consideration at the general election to be held November 7, 2006. The process for initiatives is governed by the City Charter. The initiative process begins by the Clerk of Council receiving the petitions, which are then submitted to the Board of Elections to determine whether there are a sufficient number of signatures to meet the criteria of Section 8.01 of the Charter. This section requires that there be valid signatures from electors within the City equal to no less than ten percent (10%) of the number of those who voted in the preceding gubernatorial election (2002). The Clerk has submitted the petitions for review by the Board of Elections and the Board has returned a letter indicating that there are a sufficient number of signatures to meet this first test. The second step in the process is for Council to determine the validity and sufficiency of the petition, and if valid and sufficient, to appoint a Committee of Council to hold a public hearing upon such petition. After the public hearing, Council, then, can either adopt the proposed legislation, refer the legislation to the ballot or, with the concurrence of the majority of the Petitioner's Committee, the Council can adopt modified legislation. If the matter is referred to the election, the election can be held not less than seventy five (75) days after the referral of the matter to the Board of Elections by City Council. This is not the initial referral to determine sufficiency of signatures, but the second stage referral when Council decides to place the matter on the ballot. To meet the Petitioner's intent that this be placed on the November ballot requires City Council to accelerate the process as, the last date for filing for the November 7, 2006 election is Thursday, August 24, 2006. To accelerate this process would require City Council to vote on the validity and sufficiencies of the petitions at tonight's meeting and appoint the appropriate Committee of City Council and set a public hearing on the petitions. If the hearing is set before the August work session, City Council could then vote at its August 23rd meeting whether to accept the legislation, refer to the ballot or adopt modified language. The last choice may be impractical as the City would miss the August 24th filing deadline while weighing modified legislation and adding that legislation to the normal business session, which would occur the first of September. As a result, City Council may be placed in a position of either accepting or referring the proposed Ordinances to the November ballot. Since stage one in the process has been passed, City Council now must determine the validity and sufficiency of the petitions and he recommends this action be taken at tonight's meeting. In determining whether or not the petitions are sufficient, City Council merely determines whether or not they contain the sufficient number of signatures as required by law. The Board of Elections has verified that there are sufficient signatures. To determine whether or not the petitions are valid, City Council must determine whether or not they have been timely filed, if they are directed to a purpose that is a valid purpose for such petition, or if they are valid according to state law.

Mr. Donnellon further explained that the submitted petition entitled *An Ordinance Requiring An Electorate Vote of Approval Prior to (1) The Sale of or (2) Major Change in the Use of any Municipal Park or Recreation Area, Greenbelt, Nature Preserve, Parkway, Buffer and Seperator (sic), or Public Building and/or Structure Employed for Recreational Purposes, Which the Municipality Owns or on Which it has an Interest by Easement, Revision, Remainder, Contract or Leasehold Any Conversion In Use of Said Property Made During the Period January 1, 2006 to the Date of Passage of this Ordinance Shall Be Reversed to the State Prevailing as of January 1, 2006 Within one hundred twenty (120) Days of the Passage of this Ordinance*, appears to be intended to freeze the development of City parks and recreation areas. Any change in those parks or recreation areas would require a vote of the electorate at a general election to determine whether or not the change is acceptable. The proposed language is to be added to Section 51.01 of the Code of Ordinances, which Section controls the sale and disposition of recreational properties by the City Council. Again, the Board of Elections has determined that there are sufficient signatures for this petition to move forward to the ballot. The questions concerning the validity of the Ordinance are not the same as the questions concerning the previous initiated petition. If City Council accepts that the Ordinance as valid, Council must appoint a committee to hold a public hearing; the public hearing needs to be scheduled and the matter then referred to City Council for final determination. City Council's option then is to either accept the legislation and pass it in the form and content in which it has been proposed, modify the legislation with the agreement of the petition of the Committee, or refer this matter to the November ballot. If this proposed Ordinance is passed in the form that it is proposed, it can have serious complications for the operation of the City's recreational programs. The Ordinance states: *The City shall not permit any municipal park or recreation area, greenbelt, nature preserve, parkway, buffer, or seperator (sic) or any of its public buildings or structures employed for recreational purposes to be developed or converted to uses inconsistent with their original character, nature and intent without the approval of such change by the electorate in the general election.* The Ordinance then defines original character, nature and intent as *the original plan or any modifications made to the original plan and in existence January 1, 2006.* The Ordinance then gives examples of conversions to inconsistent uses. The Ordinance specifically excludes any greenspace being converted to a dog park or the conversion of any ball field, soccer fields and/or tennis courts. The list is not exhaustive. Consistent changes would allow the resizing of ball fields and soccer fields or rerouting of walking paths if necessary because of the natural terrain, woodland or water flow requirements. The Ordinance begs the question as to what can be done with our current parks and recreational areas. There is no definition to determine whether or not erecting a basketball backboard is an inconsistent use. Is erecting new playground equipment in a current grassy area inconsistent with the original design of the park? Is erecting a water sculpture in the children's pool area a change in the original plan for the pool and would such change require a vote of the electorate? There is also the question as to what would be the role of the Parks and Recreation Commission if this is passed. The Commission, by Charter, is charged with the responsibility to provide advice and assistance to the administration regarding the development and operation of parks, playgrounds and recreational facilities within the City. Are their recommendations a moot point or are their recommendations the first step in a multi-step process for any new recreation programs? Does Parks and Recreation make a recommendation to install a water sculpture in the kiddie pool, then City Council agree to erect a water sculpture in the kiddie pool, then City Council initiate the process to the general election and allow the community to vote up or down on a water sculpture at the city pool? If this is the case, there will always be a two (2) year process for any new recreation programs. The City would be required to propose a change in year one, have the election in November of year one, then appropriate the monies to then be budgeted and spent in year number two. This legislation, as proposed, has far reaching implications than just preventing a dog park in Pioneer Park. Because of the vagueness of the language, it not only impacts decision making at the Commission and City Council level, but it may impair the City's ability to appropriately contract for recreation work with outside contractors because the City does not know if the action would be interpreted as contrary to the Ordinance and therefore subject to litigation, or consistent with the Ordinance and, therefore, safe for legislative approval only. This initiative petition does not fail as an invalid Ordinance yet the vagueness of the Ordinance

creates considerable obstacles to the administration, Parks and Recreation Commission and Council in considering any future changes in our parks or recreation programs.

Mr. Suer moved that the petition entitled *An Ordinance Requiring An Electorate Vote of Approval Prior to (1) The Sale of or (2) Major Change in the Use of any Municipal Park or Recreation Area, Greenbelt, Nature Preserve, Parkway, Buffer and Seperator (sic), or Public Building and/or Structure Employed for Recreational Purposes, Which the Municipality Owns or on Which it has an Interest by Easement, Revision, Remainder, Contract or Leasehold Any Conversion In Use of Said Property Made During the Period January 1, 2006 to the Date of Passage of this Ordinance Shall Be Reversed to the State Prevailing as of January 1, 2006 Within one hundred twenty (120) Days of the Passage of this Ordinance* is sufficient and appears to valid. Mr. Niehaus seconded.

The roll was called and showed the following vote:

AYE:	Harbison, Combs, Niehaus, Steinbrink, Suer	(5)
NAY:		(0)
ABSENT:	Roesch, Joffe	(2)

Mr. Combs questioned when City Council could talk with the initiative petition committee.

Mr. Donnellon noted that any discussions with the initiative petition committee could occur after the Public Hearing process.

Mr. Niehaus noted all questions should be addressed at the Public Hearing.

Mr. Donnellon explained that if the hearing is set before the August work session, City Council could then vote at its August 23rd meeting whether to accept the legislation, refer it to the ballot or adopt modified language. He further explained that due to time restrictions, the last choice would be impractical because the City would miss the August 24th filing deadline.

Mr. McCracken, 8025 Shadowhill Way, stated that any modifications to the Ordinance would require full agreement of the initiative petition committee.

Mr. Steinbrink moved that City Council as a whole be appointed as the Committee to hold the Public Hearing on the initiative petition. Mr. Niehaus seconded. City Council unanimously agreed.

Mr. Steinbrink moved that the Public Hearing on the initiative petitions be scheduled for Wednesday, August 23, 2006 at 7:00 p.m. Mr. Suer seconded. City Council unanimously agreed.

City Council noted that the City Council Work Session scheduled for August 23, 2006 would begin immediately following the Public Hearing at approximately 8:00 p.m.

Mr. Donnellon explained that the second petition is entitled *An Ordinance For the Preservation of Historic Greenspace Designating Elements of Pioneer Park and Dulle Park as a Landmark and Creating a Defined Buffering Area Along Sycamore Creek Within the Confines of Dulle Park and Pioneer Park*. In general, this Ordinance seeks to designate certain areas of Pioneer Park and Dulle Park as historic landmarks in the Montgomery community. Montgomery currently has a procedure in place in Chapter 150.18 of the Code of Ordinances for recognizing historic landmarks in the community. The criteria for designating a landmark are

outlined in Section 150.1802. In determining the validity of the petition, the City is not asked to review the reason for the landmark designation. The typical process for landmark designation requires a public hearing before Landmarks Commission and specific findings of fact by the Commission to recommend a designation to City Council. City Council then votes on such recommendation and, if approved, there can be no alteration to the landmark without review and approval by the Landmarks Commission. This initiated Ordinance seeks to bypass that process and designate areas known as Pioneer Woods, Pioneer Meadow and Sycamore Creek, and the Sycamore Creek buffer areas as listed landmarks. The areas are defined in the preamble of the proposed Ordinance and not in the Ordinance itself. Since the terms were not defined in the text of the Ordinance itself, if this initiative is passed, additional legislation would be required to define the protected areas. The introductory language of an Ordinance is generally intended to identify the legislative intent in interpreting a legislative enactment. The introductory language is not codified, but only the text of the law is codified. This can pose a problem in the enforcement of this initiated Ordinance. When asked to determine the validity of the initiated Ordinance, City Council has the narrow three questions set forth in Section 8.02: *Was it timely filed? Is it directed to a valid purpose? Is it valid according to state law?* On another level, an Ordinance which imposes a duty is invalid unless the person upon whom the duty is imposed is able, from the provisions of the Ordinance alone, to ascertain the extent of his duty and the manner of performing it which is required of him. The question posed then, is on its face does the proposed Ordinance clearly define the City's duty? Perhaps the more difficult issue than having a law without definitions is the secondary language in Section 1. of the Ordinance which reads: *is hereby designated as a Landmark subject to the regulations and privileges set forth in Sections 151.60 through 151.70 of the Montgomery Code of Ordinance.* There are no Sections 151.60 through 151.70 in the Code of Ordinances. Therefore, if adopted by the electorate, the City has no law which can be enforced. The City does not know what restrictions are to apply to the properties once they are defined. If City Council sends this issue to the ballot, the exercise will be illusory. If accepted by the electorate, the City has no regulations to be enforced upon these areas. If there are no laws and no defined duty, does the City have an Ordinance which is invalid and would fail for vagueness if tested constitutionally? The proponents of the initiative are not without other remedies. If the Initiative Petition Committee advocate that these areas in question are deserving of Landmarks protection, they may simply petition the Landmarks Commission to undertake the appropriate study and public hearing to recommend recognition. City Council can then vote upon the recognition and either accept or reject the recommendation of the Landmarks Commission. This process would allow the proponents to more appropriately define the areas for protection and to argue their case through the procedure already established within the City for recognizing landmark protection in this area.

Mr. Combs moved that the petition entitled *An Ordinance For the Preservation of Historic Greenspace Designating Elements of Pioneer Park and Dulle Park as a Landmark and Creating a Defined Buffering Area Along Sycamore Creek Within the Confines of Dulle Park and Pioneer Park* while sufficient, it is not valid. Mr. Niehaus seconded.

Mr. Suer stated that there is no question that this petition is not valid and he is concerned with the listing of sections that are not included in the Code of Ordinances and therefore not enforceable.

Mr. Steinbrink noted that he has concerns with the area description not being well defined.

Mr. Suer explained that there is a process already in place, that has been used before, that works and is available to be used in this case.

The roll was called and showed the following vote:

AYE: Harbison, Combs, Niehaus, Steinbrink, Suer (5)

NAY: (0)
ABSENT: Roesch, Joffe (2)

Mayor Harbison asked if there was any further business to discuss in public session. There being none, she asked for a motion to adjourn into executive session to discuss matters regarding purchase of real estate and labor negotiations.

Mr. Steinbrink moved to adjourn into executive session to discuss matters regarding the purchase of real estate and labor negotiations. Mr. Suer seconded.

The vote was called and showed the following:

The roll was called and showed the following vote:

AYE: Harbison, Combs, Niehaus, Steinbrink, Suer, (5)
NAY: (0)
ABSENT: Roesch, Joffe (2)

City Council adjourned into executive session at 7:56 p.m.

City Council reconvened into public session at 8:51 p.m.

Mayor Harbison asked if there was any further business to discuss in public session. There being none, she asked for a motion to adjourn.

Mr. Steinbrink moved to adjourn. Mr. Suer seconded.

Council unanimously agreed.

Council adjourned at 8:54 p.m.

Clerk of Council